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May 10, 2005

**VIA HAND DELIVERY**

The Honorable Kent A. Jordan  
United States District Court for the District of Delaware  
844 North King Street  
Room 6325, Lockbox 10  
Wilmington, DE 19801

**Re: Honeywell International, Inc., et al. v.  
Audiovox Communications Corp., et al, C.A. No. 04-1337-KAJ; and  
Honeywell International, Inc., et al. v.  
Apple Computer, Inc., et al., C.A. No. 04-1338-KAJ**

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Dear Judge Jordan:

I am writing on behalf of Toshiba to inform the Court that briefing on Toshiba's motion to bifurcate, which has been joined in by a number of other defendants, is now complete. Toshiba requests oral argument on this motion, and will be prepared to address it at the May 16 conference with the Court.

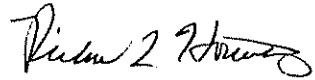
I am also writing on behalf of all defendants with respect to the handling of scheduling issues and all of the various motions pending before the Court. Although the Court set the May 16 conference to address scheduling issues, and the parties have been working together to try to address these issues, defendants submit that it would be more productive and efficient for the Court and the parties to address first the various motions – including motions to stay, consolidate, intervene, bifurcate, transfer and for a more definite statement – before attempting to put a schedule in place. Defendants believe that a short delay in implementing a schedule will cause no prejudice; to the contrary, providing the Court with time at the outset to decide how, in broad terms, this case will progress, will allow the Court and the parties to address a more realistic schedule for the ensuing litigation.

In this respect, the Court's handling of stay/consolidation and scheduling issues in the CEA litigation is instructive. Although a schedule had been in place in the first-filed CEA action, Your Honor addressed scheduling of the consolidated case only after ruling on the stay/consolidation motions, and then giving the parties time to react and discuss scheduling, in view of how the Court ruled on the stay/consolidation issues.

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Defendants will continue to discuss scheduling with Honeywell, and we will be prepared to discuss any of the pending motions and/or scheduling issues, either before or at the May 16 conference.

Respectfully submitted,



Richard L. Horwitz

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cc: Clerk of the Court (via ECF and hand delivery)  
All Local Counsel of Record (via ECF and hand delivery)